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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,983	02/11/2002	John F. Conroy		4610

7590 05/04/2004  
JOHN F. CONROY  
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EXAMINER
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WILKENS, JANET MARIE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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**GROUP 3600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 15

Application Number: 10/068,983  
Filing Date: February 11, 2002  
Appellant(s): CONROY, JOHN F.

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John F. Conroy  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed March 22, 2004.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

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**(7) Grouping of Claims**

Appellant's brief includes a statement that claims 1-9, 14-16, 20-23, 25, 26 and 28-32 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

6,361,129	BORGEN	3-2002
5,707,125	COGLIN	1-1998

**(10) Grounds of Rejection**

Claims 1-7, 9, 16, 20-23, 25, 26, 31, and 32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Coglin. This rejection is set forth in prior Office Action, Paper No. 8.

Claims 8, 14, 15 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coglin in view of Borgen. This rejection is set forth in prior Office Action, Paper No. 8.

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**(11) Response to Argument**

In response to applicant's arguments that Coglin fails to teach all of the limitations as claimed: the examiner contends that a rack is simply a unit in which to store articles and the term "wine" used before "rack" is simply the intended use for the rack. There is no reason why a bottle of wine could not/would not be storable in the enclosure of Coglin (Note: the bottle itself is not even being positively claimed). Furthermore, using racks and cabinets for specific purposes, expected or unexpected, would indeed qualify them as that type of storage unit (e.g. a linen closet that holds canned goods could be considered a pantry). As for the cradle limitation, the examiner argues that Coglin does teach a cradle, i.e. the shelf "cradles"/ supports objects thereon. (Definition of cradle used: a framework of wood or metal used to support something... *The American Heritage Dictionary*) There is nothing that says a cradle has to be curved or bowed shaped and therefore, the examiner need not limit the definition to such. Also, please see Mr. Anderson's arguments in prior Office action in Paper No. 8.

In response to applicant's arguments that the rejection of Coglin in view of Borgen is improper: the examiner argues that to add a specific type of support in the cabinet/rack of Coglin would have been an obvious consideration to one having ordinary skill in the art, depending of the desired content of the rack/cabinet, i.e. if one desires to store round bottles in the cabinet of Coglin, the rods of Borgen would provide specified "known in the art" means to do so. To modify the interior of a cabinet/rack for a specified purpose not being novel in the art. Furthermore, the examiner contends that


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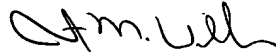
the rods of Borgen could be attached to one or both of the side walls of Coglin, allowing a bottle's longitudinal axis to be parallel to the plane of the wall.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Wilkins  
May 3, 2004

Conferees  
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